

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-15051 - APPLICANT: EGJ MANAGEMENT, LLC -  
OWNER: RANCHO DRIVE, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-15050) shall be required.
2. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Variance to allow the total square footage of proposed accessory structures to exceed 50% of the floor area of the main dwelling and to allow an accessory structure within the front yard of the main dwelling on 45.91 acres at 5050 North Rainbow Boulevard.

**EXECUTIVE SUMMARY**

The subject property is over 45 acres and provides significant buffering from adjacent uses. This buffering is in the form of landscaping and distance, as setbacks are over 250 feet. The proposed project is not considered out of character with the area due to the size of this property. Approval of this request is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

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|----------|--|
| 09/03/80 | The City Council denied a request for a Rezoning (Z-38-80) from R-E (Residence Estates) and C-2 (General Commercial) to C-2 (General Commercial) on property at this location. The Planning Commission and staff recommended denial.   |
| 03/27/86 | The City Council approved a Variance (V-29-86) to allow an accessory building and the keeping of horses with out a main dwelling on property at this location.   |
| 05/09/02 | The Planning Commission approved a Variance (V-18-02) to allow an addition to an existing single family residence to be 40-feet in height and three stories tall where the maximum allowed is 35-feet in height and two-stories tall on property at this location. Staff recommended denial. |
| 08/24/06 | The Planning Commission recommended approval of companion item SUP-15050 concurrently with this application.   |
| 08/24/06 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/ng).   |

***B) Pre-Application Meeting***

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|----------|---|
| 06/19/06 | A pre-application meeting was held and elements of this project were discussed. |
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***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Variance, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 45.91

***B) Existing Land Use***

Subject Property: Single Family Residential  
North: Single Family Residential  
Undeveloped  
South: Single Family Residential  
Undeveloped  
East: Undeveloped  
West: Undeveloped  
Commercial

***C) Planned Land Use***

Subject Property: SC (Service Commercial)  
O (Office)  
L (Low Density Residential)  
North: SC (Service Commercial)  
L (Low Density Residential)  
South: SC (Service Commercial)  
L (Low Density Residential)  
East: L (Low Density Residential)  
West: GC (General Commercial)

***D) Existing Zoning***

Subject Property: R-E (Residence Estates)  
North: R-PD2 (Residential Planned Development- Two Units per Acre)  
R-E (Residence Estates) under Resolution of Intent to R-1 (Single  
Family Residential)  
South: C-1 (Limited Commercial)  
R-1 (Single Family Residential)  
East: R-E (Residence Estates) under Resolution of Intent to R-1 (Single  
Family Residential)  
West: C-2 (General Commercial)

***E) General Plan Compliance***

The property is located in the Centennial Hills Sector Plan area of the General Plan. The property also carries three land use designations. These are SC (Service Commercial), O (Office), and L (Low Density Residential). The property is zoned R-E (Residence Estates) and is currently used in a residential capacity. A General Plan Amendment to RNP (Rural Neighborhood Preservation) is recommended at a future date to bring the site into compliance with the zoning and current use on the property.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	<b>X</b>	
<b>Trails</b>	<b>X</b>	
<b>Rural Preservation Neighborhood</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Airport Overlay District**

The site is located in the North Las Vegas Airport Overlay District 200-foot notification zone. The proposed addition is less than 40 feet tall; therefore, no action is required on the part of the applicant regarding this standard.

**Trails**

There is a multi-use transportation trail located along Rainbow Boulevard. The applicant is in compliance with the requirements of this trail and no additional action will be required.

**ANALYSIS**

***A) Zoning Code Compliance***

**A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	20,000 SF	1,978,351 SF	Y
Min. Lot Width	100 Feet	1,130 Feet	Y
Min. Setbacks			
• Front	50 Feet	250 Feet	Y
• Side	10 Feet	275 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	35 Feet	260 Feet	Y
Max. Building Height	2 Stories/35 Feet	2 Stories/31 Feet	Y
Square-Footage	Not to exceed 50 % of the floor area of the main dwelling  The main dwelling is 2,154 SF	Accessory structure #1 is 1,810 SF  #2 is 2,338 SF  #3 is 2,296 SF  #4 is 15,305 SF	N

The combined floor area of the proposed accessory structures is 21,749 square feet. This far exceeds what is permissible under Title 19. This Variance is intended to permit this deviation from development standards. Additionally, this Variance would also permit three accessory structures to be located in front of the main dwelling, if approved.

#### ***B) General Analysis and Discussion***

The accessory structures have a total floor area that is approximately ten times greater than the main dwelling. The majority of this floor area is located in a garage/storage building that is toward the rear of the property, far away from the living area. The site is very large at more than 45 acres and the buildings are not visible from adjacent property. Due to the scale of the site the proposed project is not out of character with the area. The site is well landscaped and has more than adequate buffering from adjacent properties. Approval of this proposal is recommended as the proposed project will not negatively affect the surrounding properties.

#### **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

As the proposed development is adequately buffered from adjacent uses and due to the scale of the site it is not out of character with the area; therefore, approval of this Variance request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

13

**ASSEMBLY DISTRICT**      1

**SENATE DISTRICT**      6

**NOTICES MAILED**      644 by City Clerk

**APPROVALS**      0

**PROTESTS**      0